

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

HEADWATER PARTNERS II LLC,  
*Plaintiff and Counterclaim-Defendant,*  
v.

T-MOBILE USA, INC. AND SPRINT LLC,  
*Defendants and Counterclaimant-Plaintiffs.*

HEADWATER PARTNERS II LLC,  
*Plaintiff and Counterclaim-Defendant,*  
v.

AT&T SERVICES, INC., AT&T MOBILITY  
LLC AND AT&T CORP.,  
*Defendants and Counterclaimant-Plaintiffs.*

HEADWATER PARTNERS II LLC,  
*Plaintiff and Counterclaim-Defendant,*  
v.

CELLCO PARTNERSHIP, D/B/A VERIZON  
WIRELESS, AND VERIZON CORPORATE  
SERVICES GROUP INC.,  
*Defendants and Counterclaimant-Plaintiffs.*

Case No. 2:24-cv-00015-JRG-RSP  
(Lead Case)

**JURY TRIAL DEMANDED**

Case No. 2:24-cv-00016-JRG-RSP  
(Member Case)

**JURY TRIAL DEMANDED**

Case No. 2:24-cv-00007-JRG-RSP  
(Member Case)

**JURY TRIAL DEMANDED**

**JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT**

Pursuant to Local Patent Rule 4-3, and the Court’s Docket Control Order (Dkt. 42), Plaintiff Headwater Partners II LLC (“Headwater”), Defendants T-Mobile USA, Inc. and Sprint LLC (collectively, “T-Mobile”), AT&T Services, Inc., AT&T Mobility LLC, and AT&T Corp. (collectively, “AT&T”), and Cellco Partnership, d/b/a Verizon Wireless and Verizon Corporate

Services Group Inc. (collectively, “Verizon”) (all together, “Defendants”), and Intervenor-Defendants’ Ericsson Inc. (“Ericsson”) and Nokia of America Corporation (“Nokia”) (together, “Intervenor-Defendants”) respectfully submit the following Joint Claim Construction and Prehearing Statement.

**I. AGREED CLAIM CONSTRUCTIONS (P.R. 4-3(A)(1))**

The parties have not identified any agreed claim constructions.

**II. DISPUTED CLAIM CONSTRUCTIONS (P.R. 4-3(A)(2))**

The parties’ proposed constructions of disputed terms for U.S. Patent No. 9,094,868 (“’868 patent”) and U.S. Patent No. 9,413,502 (the “’502 patent”) are provided in the charts below. These proposed constructions are also set forth in the accompanying **Exhibit A**, along with the intrinsic and extrinsic evidence on which the parties intend to rely.

**A. The ’868 Patent**

<b>Term No.</b>	<b>Claim Term</b>	<b>Headwater’s Proposed Construction</b>	<b>Defendants’ and Intervenor-Defendants’ Proposed Construction</b>
1	“link partner”  (claims 6, 8, and 33)	No construction necessary; plain and ordinary meaning.	a device with which another device communicates (e.g., a UE or base station)
2	“UE link”  (claims 16, 17)	No construction necessary; plain and ordinary meaning.	connection between UE and base station
3	“wherein at least one of the plurality of positionings or the estimated at least one future positioning of the UE further comprises at least one of an error, an accuracy, a deformation, a velocity, an acceleration”  (claim 23)	Not indefinite; no construction necessary; plain and ordinary meaning.	Indefinite under 35 U.S.C. § 112

**B. The '502 Patent**

<b>Term No.</b>	<b>Claim Term</b>	<b>Headwater's Proposed Construction</b>	<b>Defendants' and Intervenor-Defendants' Proposed Construction</b>
1	directly to the first data network / directly with a first data network  (claims 1, 28, 30, and 31)	No construction necessary; plain and ordinary meaning.	No written description under 35 U.S.C. § 112.
2	through a <b>selectable one of to</b> the second data network  (claims 1, 28, 30)	Not indefinite; no construction necessary; plain and ordinary meaning.	Indefinite under 35 U.S.C. § 112.
3	one or more second <b>parameters of associated with</b> the second data network  (claim 19)	Not indefinite; no construction necessary; plain and ordinary meaning.	Indefinite under 35 U.S.C. § 112.
4	wherein the first parameter of the bUE device selection is based on a joint first parameter between at least two of the plurality of bUE devices  (claim 20)	Not indefinite; no construction necessary; plain and ordinary meaning.	Indefinite under 35 U.S.C. § 112.
5	wherein the joint first parameter enables joint or simultaneous wireless communication on a shared resource block (RB) of at least two of the plurality of bUE devices  (claim 21)	Not indefinite; no construction necessary; plain and ordinary meaning.	Indefinite under 35 U.S.C. § 112.
6	further comprising selecting the plurality of bUE devices such that at least one of the one or more UE devices has an associated bUE, thereby enabling joint or simultaneous wireless communication over one or more shared resource blocks (RB)  (claim 22)	Not indefinite; no construction necessary; plain and ordinary meaning.	Indefinite under 35 U.S.C. § 112.

**III. ANTICIPATED LENGTH OF TIME NEEDED FOR THE CLAIM CONSTRUCTION HEARING (P.R. 4-3(A)(3))**

The parties estimate that one and a half hours will be needed for the claim construction hearing. The parties agree that each side will be allocated half of the total time permitted for the hearing.

**IV. PROPOSED WITNESSES TO BE USED AT THE CLAIM CONSTRUCTION HEARING (P.R. 4-3(A)(4))**

No party proposes to call witnesses at the claim construction hearing.

**V. OTHER ISSUES TO BE ADDRESSED PRIOR TO CLAIM CONSTRUCTION HEARING (P.R. 4-3(A)(5))**

The parties are not currently aware of any issues that they would propose taking up at a prehearing conference prior to the claim construction hearing.

Dated: December 13, 2024

/s/ Jacob K. Baron

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**ATTORNEYS FOR PLAINTIFF,  
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**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this December 13, 2024, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Marc Fenster

Marc Fenster

**CERTIFICATE OF CONFERENCE**

The undersigned certifies that counsel complied with the requirements of Eastern District of Texas Local Rule CV-7(h). The parties are in agreement on filing this Joint Motion.

/s/ Marc Fenster

Marc Fenster